

CITY COUNCIL MINUTES

October 24, 2011

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, October 24, 2011 at 6:00 p.m. with Mayor Kirby presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Council Members Present: Bridget Powers, Kevin Hanley, J. M. "Mike" Holmes, Keith Nesbitt, William W. Kirby

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION** approve City Council Minutes of 9/12/2011 and 9/26/2011.

2. **Auburn Transit – California Transit Joint Powers Authority Agreement Amendment**

By **RESOLUTION 11-111**, authorize the Director of Public Works to execute the amended joint powers agreement for the California Transit Systems Joint Powers Authority.

3. **2011/2012 Annual Local Transportation and State Transit Assistance Fund Claims**

By **RESOLUTION 11-112**, authorize the Director of Public Works to submit and execute on behalf of the City of Auburn the 2011/2012 Transportation Development Act claims for the Local Transportation Fund in the amount of \$545,274 and the State Transit Assistance Fund in the amount of \$60,861 to the Placer County Transportation Planning Agency (PCTPA).

4. **Appeal By Four Members of Office and Administrative Support Bargaining Unit on Petition to Decertify**

By **RESOLUTION 11-113**, grant the appeal by Office and Administrative Support Bargaining Unit employees with respect to the election on their petition to decertify International Union of Operating Engineers, Local 39, and declaring the bargaining unit to be unrepresented.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

MOTION: Holmes/ Powers/ Approved 5:0 (Hanley abstained from item 4)

5. **Public Comment**

Council Member Holmes said Placer County Water Agency (PCWA) is asking for the Council's support in protecting the water rights in Northern California.

Council Member Hanley asked for the resolution that was passed by the PCWA to be placed on the next agenda.

Council Member Nesbitt said a few more businesses in Auburn have been approached by Scott Johnson's office regarding Americans with Disabilities Act (ADA) lawsuits.

Mayor Kirby commented on both ADA lawsuits and water rights.

Jeff Cowen, resident of Auburn, spoke about the importance of businesses being in compliance with ADA requirements. He said California is the only state that allows individuals to be the enforcer of the Americans with Disabilities Act. He said that is what should be discussed in future conversations; to change that part of the law and have an actual state agency enforce the law.

REPORTS

6. **City Council Committee Reports**

Council Member Holmes reported no action by the U.S. Senate on Auburn State Recreation Area funding. He also reported that the Arts Commission is developing ideas for murals for Downtown Auburn and they also put out a call for artists to help celebrate the centennial of the Mount Quarry Bridge. He reported that he attended the OTBA and DBA meetings in the past week and held discussions regarding parking enforcement during the holidays. He reported on the tax preparing assistance program in Auburn.

Council Member Hanley reported on SB375 passed by the legislature in 2008 and the effects on transportation planning going forward. He also reported on the Executive Director of the State Water Resources Control Board finding the proposed regulations on storm water runoff not functional.

COUNCIL BUSINESS

7. PetData – A Private Sector Animal Licensing Company

Police Chief John Ruffcorn presented this item. He said this is a regionalization project with law enforcement agencies in the County of Placer to handle animal licensing (information in staff report). He said with this program, the City will benefit from increased compliance with less time being used by city staff.

Council Member Hanley asked if any neighboring cities have any past experience with this company. He asked what language is used to communicate to the resident that they are a legitimate company working on behalf of the City. He asked about current enforcement of dog licensing and increased compliance. He asked about licensing revenue changes with contracting out this service.

Council Member Holmes asked about neighboring cities that have already approved this service. He asked how increased compliance is achieved by PetData. He asked about any comparisons completed between this company and others that can perform the same service.

Council Member Nesbitt asked how this company was chosen and if a request for proposals was sent out.

Council Member Holmes asked the length of the contract with PetData.

Mayor Kirby asked how the City would control this "collection agency" in communications with Auburn citizens. He said he does not like the concept of this agency using personal information from veterinarian databases to contact citizens.

City Clerk Joe Labrie asked why cats are not licensed in the City. He spoke about stray cats and illnesses they carry. He asked where you can physically go to get the license for your dog through PetData. He asked if there would be a local office in the community.

Council Member Powers commented about the need to outsource this type of work.

Council Member Hanley suggested no action on this item tonight; he said experience by neighboring cities should be looked over the next year for customer service levels, actual results of compliance, and how the program is working.

Council Member Nesbitt said he doesn't see this contract as cost effective on a short term basis because of the start up fee. He said he would also like to know more about the company before moving forward. He would like to look at it again in six months with a report of how neighboring cities are doing with this service.

Council Member Holmes said he would have liked to hear from a PetData company representative. He said he needs more information to make a decision. He said eventually if the City does proceed with a contract, he would like to see it with a minimum term of two years.

Mayor Kirby said although he favors contracting out services like this, he is concerned with not having a track record for this company on their contact with citizens. He said the goal of the city is safety, vaccinations and licensing, not collections. He said there may be local companies who could do this work.

By **MOTION**, direct the Police Chief to work with Placer County and other Local Agencies who are contracting with PetData to analyze a minimum of six months of operational data and then make a judgment on whether the program is worthwhile for the City of Auburn and if so, bring back to Council.

MOTION: Hanley/ Nesbitt/ Approved 5:0

8. **"In God We Trust" Signage**

Council Member Holmes presented this item. He said the design of the signage could be determined at a later time. He said he is open to different locations of the chambers where the sign will be placed. He said Colfax approved a sign earlier this year.

Council Member Nesbitt asked where the funds would be provided from for this signage.

Council Member Holmes said community members said they are willing to pay for the sign.

Mayor Kirby asked about the organization that brought this item forward.

Council Member Holmes said it is based in Bakersfield and they have many communities in California that have agreed to place this signage in their facilities. He said this does not endorse any particular religion or belief, just a supreme being.

Mayor Kirby asked about the founder of the group "In God We Trust – America". He said it is his understanding that she is a committed Christian who believes it's her duty to push Christianity throughout the country.

Council Member Nesbitt said he is neutral on the idea/signage but wants to make sure no city funds are spent. He said it should have simple text and resemble how it is written on the back of the dollar bill so that it is recognizable and consistent.

Council Member Powers concurred with Council Member Nesbitt.

Council Member Hanley spoke about when "In God We Trust" was used in historical times and added to currency. He said he supports the proposed signage.

Mayor Kirby spoke about constitutional history and religion. He said he is neutral on the proposed sign, although he doesn't agree with the principals of the founder of the group who brought it forward.


By **RESOLUTION 11-114**, approve the display of the national motto "In God We Trust" in a prominent location in the City Council Chambers subject to approval of the location and design of the signage to come back to Council. The signage will be paid by charitable donations/ no tax payer funds. It will be in the same text/font as used on currency.

MOTION: Holmes/ Hanley/ Approved 4:0 (Kirby abstained)

ADJOURNMENT

Mayor Kirby adjourned the meeting, without objection, to a meeting of the Auburn Urban Development Authority at 7:05 p.m.


William W. Kirby, M.D., Mayor


Joseph G. R. Labrie, City Clerk